



WP No.24510 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14-11-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.24510 of 2019

K.Parvathi

..

Petitioner

VS.

The Management of
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Coimbatore Region, Represented by its
Managing Director,
Coimbatore.

..

Respondent

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to refund the amount of Rs.50,544/- recovered from the terminal benefits payable for the services of the petitioner's deceased husband/employee K.B.Krishnan, Staff No.90CR1014800, in the name of increment recovery, together with 6% interest per annum.



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For Petitioner

: Mr.V.Ajoy Khose

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For Respondent

: Mr.A.Sundaravadhanam

ORDER

The Writ of Mandamus has been filed directing the respondent to refund the amount of Rs.50,544/- recovered from the terminal benefits of the deceased husband of the writ petitioner.

2. The deceased husband of the petitioner was employed as Conductor in the respondent-Transport Corporation and died on 03.08.2013 due to illness while he was in service.

3. The grievance of the writ petitioner is that a sum of Rs.50,544/- was recovered from the deceased husband's terminal benefits and such a recovery made after the death of the deceased husband is impermissible with reference to the Standing Orders applicable to the respondent-Transport Corporation.

4. The learned counsel for the petitioner reiterated that such a



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recovery is directly in violation of the judgment of the Division Bench of this Court and further more, no recovery can be effected after the death of an employee. However, the issues disputed are to be adjudicated.

5. In the present case, the respondent-Transport Corporation has not even issued show cause notice to the writ petitioner enabling to defend her case. Unilaterally they have withhold a portion of the terminal benefits and in such circumstances, the workman is entitled for an opportunity to defend his case by submitting his explanations or documents or otherwise.

6. Since a portion of the amount of terminal benefits of the deceased husband of the writ petitioner had already been withheld and no further orders are passed by the respondent, this Court is of an opinion that the matter is to be reconsidered by the respondent.

7. Accordingly, the respondent is directed to issue a show cause notice setting out all the details regarding the actions taken against the deceased husband of the petitioner for the purpose of withholding the



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terminal benefits and on receipt of the show cause notice, the petitioner is at liberty to submit her representation, setting out all the statements of defence along with the documents, if any and thereafter, the respondent-Competent Authority shall decide the matter on merits and in accordance with law and considering the grounds raised by the petitioner in the present writ petition.

8. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs.

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Index : Yes/No.
Internet : Yes/No.
Speaking Order/Non-Speaking Order.
Svn



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To
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The Managing Director,
Management of
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Coimbatore Region,
Coimbatore.



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S.M.SUBRAMANIAM, J.

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